

**SUBSTITUTE DECLARATION FOR
UTILITY OR DESIGN
PATENT APPLICATION
(37 C.F.R. 1.63)**

☒ Declaration
Submitted
with Initial Filing

☐ Declaration Submitted
after Initial Filing
(37 C.F.R. Fee Required)

Attorney Docket Number: 1477-P01769US1

First Named Inventor: Leon W.M.M. Terstappen

COMPLETE IF KNOWN

Application Number: 09/856,672

Filing Date: May 24, 2001

Group Art Unit: 1723

Examiner Name: David A. Reifsnyder

As a below named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe that I am the first and sole inventor or and original, first and joint inventor of the subject matter which is claimed and for which patent protection is sought for the invention entitled:

MAGNETIC SEPARATION APPARATUS AND METHODS

the specification of which

☐ is attached hereto

OR

☒ was filed on May 24, 2001 as United States Application Number or PCT Application Number 09/856,672

and was amended on

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. 119 (a)-(d) or 365(b) of any foreign application(s) for patent for inventor's certificate, or 35 U.S.C. 120 of any PCT International application listed below.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Certified Copy Attached?
PCT/US99/28231	PCT	November 30, 1999	No

I hereby claim the benefit under 35 U.S.C. 119(e) of the United States provisional application(s) listed below.

Application Number(s)	Filing Date (MM/DD/YYYY)	
60/019,282	June 7, 1996	
60/030,436	November 5, 1996	
60/110,280	November 30, 1998	

I hereby claim the benefit under 35 U.S.C. 120 of the United States application(s), or 365(c) of the PCT International application(s) designating the United States of America, listed below. Insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application(s) in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application(s) and the national or PCT International filing date of this application.

U.S. Parent or PCT Application	Parent Filing Date (MM/DD/YYYY)	Parent Patent No. (If Applicable)
09/201,603	November 30, 1998	6,136,182
08/867,009	June 2, 1997	5,985,853

As a named inventor, I hereby appoint the following practitioners to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:
The registered practitioners associated with Customer Number 000110

Direct all Correspondence to:

Customer Number 000110 at the address below

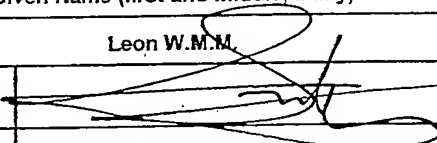
John B. Berryhill, Ph.D., J.D.
Dann, Dorfman, Herrell & Skillman
Suite 720
1601 Market Street
Philadelphia, PA 19103

Telephone (215) 563-4100
Facsimile (215) 563-4044

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

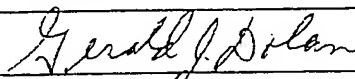
FIRST INVENTOR

☐ A petition has been filed for this unsigned inventor

Given Name (first and middle, if any)		Family Name (Last name or surname)	
Leon W.M.M.		Terstappen	
Signature		Date	02-04-03
Residence	Huntingdon Valley, PA, United States of America		
Post Office Address	1354 Old Ford Road Huntingdon Valley, PA 19006		
Citizenship	NL		

SECOND INVENTOR

☐ A petition has been filed for this unsigned inventor

Given Name (first and middle, if any)		Family Name (Last name or surname)	
Gerald		Dolan	
Signature		Date	3/4/03
Residence	HUNTINGDON VALLEY, PA US		
Post Office Address	800 MEADOWBROOK DRIVE; HUNTINGDON VA, PA 19006		
Citizenship	US		

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**POWER OF ATTORNEY
and
CORRESPONDENCE ADDRESS
INDICATION FORM**

Application Number	
Filing Date	
First Named Inventor	TERSTAPPEN
Title	Magnetic Separation Apparatus
Art Unit	1723
Examiner Name	Reifsnnyder
Attorney Docket Number	IMMC 208.2

I hereby appoint:

☐

Practitioners associated with the Customer Number:

OR

☒

Practitioner(s) named below:

Name	Registration Number
Joseph F. Aceto	50701
James Wilcox	30234

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please recognize or change the correspondence address for the above-identified application to:

☐

The address associated with the above-mentioned Customer Number:

OR

☐

The address associated with Customer Number:

OR

☒Firm or
Individual Name

Immunicon Corporation

Address

3401 Masons Mill Road

Address

Suite 100

City

Huntingdon Valley

State

Pennsylvania

Zip

19006

Country

United States of America

Telephone

215-830-0777

Fax

215-830-0751

I am the:

☐

Applicant/Inventor.

☒

Assignee of record of the entire interest. See 37 CFR 3.71.

Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

SIGNATURE of Applicant or Assignee of Record

Name

James G. Murphy, Treasurer Immunivest Corporation

Signature

Date

10 December 2005

Telephone

215-830-0777

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☐

*Total of _____ forms are submitted.

This collection of information is required by 37 CFR 1.31 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

STATEMENT UNDER 37 CFR 3.73(b)Applicant/Patent Owner: Leon W. M. M. Terstappen and Gerald DolanApplication No./Patent No.: 09/856,672 Filed/Issue Date: May 24, 2001Entitled: Magnetic Separation Apparatus and MethodsImmunivest, a Corporation
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or2. ☐ an assignee of less than the entire right, title and interest.The extent (by percentage) of its ownership interest is _____ %
in the patent application/patent identified above by virtue of either:A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 011953, Frame 0038, or for which a copy thereof is attached.

OR

B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

2. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

3. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.☐ Additional documents in the chain of title are listed on a supplemental sheet.☐ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

JUNE 22, 2003

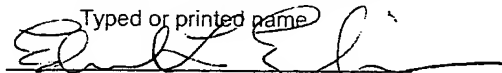
Date

215-830-0777

Telephone number

Edward L. Erickson

Typed or printed name



Signature

President Immunivest Corp.

Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of)	Examiner: D. A. REIFSNYDER
)	
Leon W.M.M. Terstappen et al)	Group Art Unit: 1723
)	
Serial No.: 09/856,672)	
)	
Filed: May 24, 2001)	
)	
For: "MAGNETIC SEPARATION)	
APPARATUS AND METHODS")	

DECLARATION OF GERALD DOLAN

I, Gerald Dolan hereby declare that:

1. I am a co-inventor of the subject matter described and claimed in U.S. Patent Application Serial No. 09/856,672 along with Leon W.M.M. Terstappen. This application was filed on May 24, 2001 for an invention entitled: "Magnetic Separation Apparatus and Methods".
2. We have assigned all right, title and interest in and to the above-identified invention and application to Immunivest Corporation.
3. At the time of filing of the above-identified application, I was not identified a joint inventor. Leon W.M.M. Terstappen was named as sole inventor in error due to a misunderstanding of the law determining inventorship.
4. I have realized that an unintentional error in inventorship occurred and I am filing the present declaration to correct this error.
5. This error was made in good faith, without deceptive intent.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

3/4/03

DATE

Gerald J. Dolan

Gerald Dolan